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REVIEW OF LEGISLATION AND IMPACT ON PUBLIC LIBRARIES

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Presentation at the Annual Public Library Budget Workshop
June 1st and Repeated June 16, 2011

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SB 32 VOTE CENTERS IN COUNTY

- Option for All Counties
- County Election Board
 - Adopt order to designate county as a vote center
 - Plan provides at least one vote center established for early voting on two Saturdays immediately preceding election day

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SB 12 PERF AND TRF ADMINISTRATIVE MATTERS

- Member Eligible for an Early retirement Able to Withdraw the Member's Annuity Savings Account without Applying for a Retirement Benefit.

SB 549 INDIANA PUBLIC RETIREMENT SYSTEM

- Manages PERF
- Defines Composition of Board

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SB 524 PUBLIC EMPLOYEES DEFINED CONTRIBUTION PLAN

- New Option for State Employees
- 5 Year Vesting Schedule
- In Lieu of PERF, a Defined Benefit Plan

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HB 1001 BUDGET BILL

- Changes the Distribution Formula for Cigarette Tax, Sales Tax, and Racino Assessments.
- Provides Additional Information to Local Units Concerning Local Income Tax Collections and Changes the Method of Calculating Supplemental Distributions.
- Creates a State Civil Service System

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SB 39 TAX STRUCTURE STUDY

- Effect of Indiana Income Tax Structure on Retirees
- Whether Each of the Local Option Income Taxes Affect the Ability of Political Subdivisions to Provide Services to
 - (1) a facility that employs a significant number of individuals who reside in another county; and
 - (2) the individuals who reside outside the county and commute to jobs at the facility
- Whether Political Subdivisions Should Be Provided Additional Financing Options to Provide Services
- Study How Local Option Income Taxes Should Be Distributed Within a County to Local Units of Government

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SB205 PUBLIC DEPOSITORIES

(SEE ALSO HB 1297 FOR SIMILAR LANGUAGE)

- Capital Ratio Requirement
- Assure Security of Public Funds
- Service Charges or Bank Service Charges May Be Paid:
 - By direct charge to the deposit or other account; or
 - In a manner that subtracts the service charge from interest earned on the funds in the deposit or other account
- States That Such Requirement Applies to Investment Cash Management System Accounts

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SB 388 SWAP AGREEMENTS

- Local Governmental Units Will Not Be Able to Enter into Swap Agreements

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HB 1025 OFFICIAL BONDS

- Removes Language Requiring an Annual Coverage Amount Under an Individual Surety Bond Filed by a Public Official.(Cities, Towns, Counties & Townships)
- Internal Control .(Cities, Towns, Counties & Townships)
 - State Board of Accounts defines acceptable minimum level
 - Prevent malfeasance, misfeasance, or nonfeasance that results in the misappropriation of, diversion of, or inability to account for public funds
- In the Incidence of Loss:
 - SBa identifies weakness in internal control of unit
 - Recommends modification in internal controls to prevent recurrence

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OFFICIAL BOND OF TREASURER AND
EMPLOYEES

- Surety Bond Insures All Money in Treasurer's Custody
- Bond Must Be:
 - Written by an insurance company licensed to do business in Indiana;
 - For the term of office of the treasurer;
 - In an amount determined by the library board;
 - Paid for with the money from the library fund;
 - Payable to the State of Indiana;
 - Approved by the library board; and
 - Deposited in the office of the recorder of the county in which the library district is located [IC 36-12-2-22]
- Amount of Bond Coverage Should Be Determined by the Library Board and Recorded in the Minutes.
- Blanket Bond Coverage for Employees Handling Money

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SB 464 INCREASES PENALTY FOR FAILURE
TO DEPOSIT PUBLIC FUNDS

- Obligation to Deposit Public Funds Daily
- Knowingly or Intentionally Failing to Properly Deposit Public Funds Is a Class A misdemeanor
- Increases the Penalty to a Class D Felony If the Amount Involved Is At Least \$750
- And to a Class C Felony If the Amount Involved Is At Least \$50,000

SB 217 OFFICIAL MISCONDUCT

- Knowingly or Intentionally Commits a Crime in the Performance of the Public Servant's Official Duties

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SB 201 - LIBRARIES
PROFESSIONAL MEMBERSHIPS

- Libraries May Appropriate Funds to Pay for Memberships in Local, State, and National Associations That Are of a Civic, Educational, Professional or Governmental Nature.
- Caveat: the Organizations Must Have as Their Purpose the Betterment and Improvement of Library Operations.
- Applies to Library Memberships and Individual Memberships for Library Employees
- Examples: ALA, ILF

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SB 201 – LIBRARIES
SEVERANCE PAY

- Authorizes Libraries to Provide Severance Pay in the Event of a **Voluntary** Separation
- IN Law Already Provides for Severance Pay in the Event of **Involuntary** Separation
- Severance Pay in **Voluntary** Separations May Only Be Done As Part of an Overall Cost Savings Measure for the Library

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SB 201 – LIBRARIES
SEVERANCE PAY

- For Severance Provided in **Voluntary** Separations, the Library Must Make the Following 4 Findings in a Public Meeting:
 - The library is subject to financial difficulties and revenue shortfall
 - The library will pay the separating employee a stated amount of severance pay
 - The library will:
 - Not hire another employee to perform the same duties as the separating employee at the same or comparable compensation and benefits for at least one year after the date the employee separates from employment with the library, or
 - the library will hire a permanent or temporary employee for less compensation and benefits to perform the duties of the employee separating from employment, or
 - both of the above
 - The library's net expenditures will be reduced by this action

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SB 292 LOCAL REGULATION OF FIREARMS,
AMMUNITION, AND FIREARM ACCESSORIES

- Libraries Are Prohibited from Creating and/or Enforcing Rules or Policies that Prohibit Legal U.S. Residents Who Legally Possess a Firearm from Carrying, Transporting, or Storing Those Firearms and Any Accessories, Including Ammunition, on Library Property.
- In General, Existing Library Policies Restricting Any of the Above Are Considered Void

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SB 292 LOCAL REGULATION OF FIREARMS,
AMMUNITION, AND FIREARM ACCESSORIES

- Exceptions: Library Can Create a Policy that Prohibits Employees from Bringing a Firearm Inside the Library or Having It in Plain Sight Anywhere on Library Property While the Employee Is on Duty
- Caveat, the Employee Cannot Be Prohibited from Having a Firearm or Ammunition in Their Locked Vehicle, Even While on Duty, So Long As the Weapon Is in the Trunk or Glove Compartment or Otherwise Out of Plain View

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SB 292 LOCAL REGULATION OF FIREARMS,
AMMUNITION, AND FIREARM ACCESSORIES

- Exceptions: A Public Library Housed in a Building That Contains the Courtroom of a Circuit, Superior, City, Town, or Small Claims Court
 - Library is covered by any firearm policy, regulation, or rule that applies to the building in which the court(s) and library are located
- Exceptions: Library Can Create and Enforce a Policy that Prohibits or Restricts the Intentional Display of a Firearm at the Library's Public Meetings

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SB 292 LOCAL REGULATION OF FIREARMS,
AMMUNITION, AND FIREARM ACCESSORIES

- Exceptions: If a Library Is Housed in a Building Owned or Administered by a Town, City, Township, or County, the Library Would Be Covered by Any Policy Prohibiting or Restricting the Carrying or Use of a Firearm That the Town, City, Township, or County Made Applicable to Such Buildings.
- Caveat: Any Such Policy Wouldn't Likely Have Much Teeth Because the Regulations Cannot Affect Individuals Who Have a License to Carry a Handgun.

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SB 292 LOCAL REGULATION OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES

- If Library Property Is Leased By Promoters or Organizers of an Event to be Held on the Leased Library Property, the Promoter/Organizer Can Create Rules of Conduct or Admission in Connection with the Event That May Prohibit or in Some Way Restrict the Possession or Carrying of Firearms and the Library Would Be Able to Assist in Carrying Out or Enforcing Such Rule or Regulation.
- Bill Provides for an Award of Damages, Injunctive Relief, Court Costs and the Payment of Attorney's Fees for any Plaintiff Who Sues the Library and Wins

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SB 485 STATE LIBRARY FOUNDATION

- Indiana Library and Historical Board Given Authority to Establish
- Non Profit Foundation
 - Governed by a board
 - Solicit funds
- Annual Audit by State Board of Accounts

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COMMUNITY FOUNDATION PARTICIPATION
(SEE PAGE 8 OF [STATE BOARD OF ACCOUNTS LIBRARY MANUAL CHAPTER 3](#))

- Gift Funds for Public Library Endowment
- Earnings Distributed Back to Library
- Disbursed Without Appropriation
- Authorized by Library Board Resolution
- Statute Does Not Provide for the Return of Principal

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HB 1539 MARION COUNTY COIT

- Marion County City-County Council to Elect to Provide Revenue to a Public Library Located in Marion County from the Certified Distribution of County Option Income Tax (COIT)
- State Budget Agency Certifies Amount Received Minus Expenses (Refunds, etc.) to the County Auditor and the Department of Local Government Finance by September 1 Each Year
- County Council to Distribute Amount Equal to the Revenue Lost, if Any Due to the Increase of the Homestead Credit Within the County

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STATE BOARD OF ACCOUNTS MANUAL
REVISION (REISSUED 2010)

- <http://www.in.gov/sboa/2404.htm>
- So Called "State Distribution" No Longer Available
- Libraries With Net PLAC Loans Must Meet "Minimum Standards for Public Libraries" as Stated in 590 IAC 6-1 in Order to be Eligible for Reimbursement Through the PLAC Program.
 - A voucher shall be completed and signed by each library to complete the reimbursement process (certified with Annual Library Report data).
 - The Indiana State Library shall distribute to each eligible public library district the amount the district is entitled to under this section not later than August 1 of each year.

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HB 1275 TRANSFERS OF FUNDS . (CITIES, TOWNS, COUNTIES & TOWNSHIPS)

- Permanent Transfers from Rainy Day Fund or EDIT Fund (Economic Development Income Tax Fund) to Any Other Appropriated Fund

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RAINY DAY FUND
(SEE [STATE BOARD OF ACCOUNTS LIBRARY MANUAL CHAPTER 3](#))

- Fund Is Established By Resolution.
 - Should state the purposes and sources of funding for the fund
- May Not Transfer More Than Ten Percent (10%) of the Library's Total Annual Budget For That Fiscal Year.
- Transfers to The Rainy Day Fund May Be Made At Any Time During the Year.
- IC 36-1-8-5 Funds Raised by General or Special Tax Levy; Disposition of Unused Balance; Transfers to Local Rainy Day Fund
- An Appropriation Required for Authority to Spend

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PETTY CASH/CASH CHANGE

- Resolution to Establish Petty Cash Fund
 - Appropriation of money in the budget
 - Category 3 other services and charges, in Other
- Cash Change (Not Appropriated) Tracked on Daily Record of Desk Collection
 - "Balance Beginning of Day," will show the balance on hand at the beginning of each day, including the cash change fund.
 - "Balance End of Day," which should accurately reflect the actual cash on hand. The cash change fund should not be deposited.

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SB 590 ILLEGAL IMMIGRATION MATTERS

- Employers are Required to Use the Federal E-Verify Program to Verify the Work Eligibility Status of all Employees Hired after June, 30, 2011.
- For Individuals 18 Years Old or Older in Which No Employment Agreement Has Been Executed Specifying that the Term of the Employment Is to Be More than Three (3) Working Days, Prior to the Individual's First Day of Work, the Individual Must Sign a Form under the Penalty of Perjury that States They Are Legally Authorized to Work in Indiana. (Federal Law Dictates Exact Language)

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SB 590 ILLEGAL IMMIGRATION MATTERS

- Attestation Statement: "Under the penalty of perjury, I attest that I am a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized by federal law or by the U.S. Attorney General to be hired, recruited, or referred for such employment."

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SB 590 ILLEGAL IMMIGRATION MATTERS

- Authorizes the Department of Workforce Development (DWD) to Seek Reimbursements of Amounts Paid by DWD as Unemployment Insurance Benefits from an Employer that Has Knowingly Employed an Unauthorized Alien
- DWD Can File Civil Action in Court If Necessary; Court **Shall** Award Reimbursements, Reasonable Costs, and Attorney's Fees
- Caveat:
 - employers who used E-Verify to verify employment eligibility of the illegal alien are immune from this provision
 - provision only applies to employees hired after June 30, 2011

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SB 590 ILLEGAL IMMIGRATION MATTERS

- Contracts Entered into by Public Libraries after June 30, 2011 Must Contain:
 - a provision requiring the contractor to enroll in and verify the work eligibility status of all newly hired employees through the E-Verify program; and
 - a provision that provides that the contractor is not required to verify the work eligibility status off newly hired employees through E-Verify if E-Verify no longer exists; and

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SB 590 ILLEGAL IMMIGRATION MATTERS

- The Contractor Must Sign an Affidavit Affirming that the Contractor Does Not Knowingly Employ an Unauthorized Alien.
- Contractor Is Defined as “a Person that Has or Is Attempting to Enter into a Public Contract for Services with a State Agency or Political Subdivision”

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SB 590 ILLEGAL IMMIGRATION MATTERS

- Libraries May Not Award a Grant of More than \$1,000 to a Business Entity Unless the Business Entity:
 - Signs a sworn affidavit that affirms that the business entity has enrolled and is participating in the E-Verify program; and
 - Provides documentation to the library proving the business entity is participating in the E-Verify program; and
 - Signs an affidavit affirming that the business entity does not knowingly employ an unauthorized alien
- Business Entity Is Defined as “a Person or Group of Persons that Perform or Engage in Any Activity, Enterprise, Profession, or Occupation for Gain, Benefit, Advantage, or Livelihood.”

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SB 590 ILLEGAL IMMIGRATION MATTERS

- In the Event the Library Learns That the Contractor or Subcontractor Employs or Is Contracting with an Unauthorized Alien, the Library Must Require the Contractor to Remedy the Violation Not Later Than Thirty (30) Days after the Date the Library Notifies the Contractor of the Violation
- If the Contractor Does Not Rectify the Situation Within the Thirty (30) Day Period, the Library Must Cancel the Contract
- Caveat: If the Library Determines that Terminating the Contract Would Be Detrimental to the Public Interest or Public Property, the Library May Allow the Contract to Remain in Effect Until the Library Procures a New Contractor

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SB 590 ILLEGAL IMMIGRATION MATTERS

- The Contractor Is Liable to the Library for Any Actual Damages the Library Suffered As a Result of the Library Having to Terminate the Contract.
- The Contractor Can Challenge in Court the Finding of a Contract Violation within Twenty (20) Days of Receiving the Notice.
- The Contractor Can Challenge in Court the Termination of the Contract Within Twenty (20) Days After the Contract Is Terminated.

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SB 86 UNEMPLOYMENT BENEFITS

- Specifies Conditions for Payment of Extended Unemployment Benefits after March 1, 2011
- Drug Test

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HB 1450 UNEMPLOYMENT INSURANCE

- Maximum Benefit \$390 a Week
- Denies Eligibility to Seasonal Workers
- Employer Surcharge to Cover Federal Loan
- If Employer Fails to File Contribution and Wage Reports and to Pay All Contributions, Penalties, and Interest Due Owed by the Employer or the Employer's Predecessors, Employer's contribution Rate Changed According to a New Method.
- Individual Not Penalized for Use of Pension, Annuity for Financial Hardship Because of Emergency Event

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SB 576 WORKER'S COMPENSATION

- Employer Must Provide a Copy of an Injury or Disablement Report to the Board Upon Request.
 - Requires an injury or disablement report within seven days after the first day of a disability arising from a work place injury or disablement by occupational disease (rather than the occurrence of the injury or disablement).
- Increases Civil Penalties for Failure to:
 - (1) post certain notices;
 - (2) file certain records; or
 - (3) comply with IC 22-3-3-7 or IC 22-3-7-16 (concerning the determination and payment of compensation or benefits).

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HB 1538 MINIMUM WAGE

- Prohibits a Local Unit of Government (Unit) from Establishing, Mandating, or Requiring a Minimum Wage That Exceeds the State or Federal Minimum Wage Unless Federal or State Law Provides Otherwise
- Minimum Wage Federal Law and State of Indiana \$7.25 an hour
- Does Not Limit Unit's Authority to Establish Wage Rates in a Contract

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SB 418 CONSTRUCTION WAGE

- Common Construction Wage for Public Works
- County Determines Every Three Months
- Monitors Wages Over the Life of the Project

HB 1216 PUBLIC WORKS PROJECTS

- Raises the Dollar Amount of Projects Subject to the Common Construction Wage Law from \$150,000 to \$250,000 on January 1, 2012
- And from \$250,000 to \$350,000 on January 1, 2013

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SB 60 PUBLIC WORKS PROJECTS

- Provides That for Purposes of the Local Public Works Statutes, Bids May Be Opened After the Time Designated If:
 - (1) the political subdivision makes a written determination that it is in the best interest of the political subdivision to delay the opening; and
 - (2) the day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.

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SB 533 DESIGN-BUILD PROJECTS

- Repeals the Provision in Current Law Requiring the Governing Body of a Public Agency to Give Prior Authorization to use Design-Build Contract
- Provides that a Public Agency May Not Require an Offeror to Appear in Person More Than Three Times Before the Technical Review Committee for a Design-Build Contract.
- Requires a Public Agency That Proposes a Public Project for Which a Referendum Is to Be Held to Wait Until After the Referendum Is Completed to Issue a Request for Proposals for the Public Project
- Technical Review Committee Must Give a Written Comprehensive Score for Each Qualitative Proposal Received in Response to a Request for Proposals

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HB 1174 SALE OF REAL PROPERTY

- May Hire a Broker to Sell Real Property Directly Rather Than Using the Bid Process If:
 - (1) the disposing agent publishes a notice of the determination to hire the broker; and (2) the property has been up for bid for at least 60 days before the broker is hired, and either no bids were received or the disposing agent has rejected all bids that were received
- Sell to Abutting Landowner Without Using a Competitive Bid Process If the Real Property Has Not Been Assessed and the Property Was Previously Part of a Public Right-of-Way

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HB 1174 SALE OF REAL PROPERTY

- May Sell or Lease For Less Than 90% of the Appraised Value as Determined by the Average of the Two Appraisals of the Property (Instead of as Determined by a Joint Appraisal of the Property)
- If Disposing Agent Rejects All Offers and Bids, Agent Writes Determination for Rejection and Explains Why

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HB 1098 EFT

- After Public Library Legislation, New Legislation Allow Other Government Units to Adopt Ordinance to pay with electronic funds transfer.

HB 1124 RAILROAD STATUTE

- Repeals Provisions Concerning Local Ordinances Regulating Train Speed

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SB 559 CONFLICT OF INTEREST

- Specifies Certain Definitions and Defenses that Apply to the Crime of Conflict of Interest.
- Derives a Profit from; Contract or Purchase Connected with an Action by the Governmental Entity Served by the Public Servant Commits Conflict of Interest
- Committed Within One Year After Separation from Employment
- Class D Felony

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HB 1129 USE OF TELECOMMUNICATIONS
DEVICE

- Class C Infraction
 - Type, transmit, or read a text message or an electronic mail message while operating a moving motor vehicle
 - Can 1) use hands free or voice operated technology to transmit a text message or an electronic mail message; and (2) to call 911 to report an emergency; while operating a moving motor vehicle.
- Police Officer Cannot Confiscate Phone
- Does Not Include: Ham Radio Equipment, or Communications System Installed in a Commercial Motor Vehicle Weighing More Than 10,000 Pounds

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ENCUMBRANCES

- Outstanding Purchase Orders and Contracts at Year End Presented So They May Be Charged to Appropriation
- Library Board of Trustees Should Make a List of All Encumbered Items and Make It a Part of the Minutes of the Last Business Meeting of the Year
- Do Not Need to Submit List to Department of Local Government Finance (DLGF)

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HB 1004 STATE AND LOCAL
ADMINISTRATION

- Public Works Projects Performed by Agency Work Force
- Raises Bid Threshold on New Construction to \$150,000
- The Department of Local Government Finance May Not Approve the Budget of a Political Subdivision or a Supplemental Appropriation for a Political Subdivision Until the Political Subdivision Files an Annual Report Under Subsection (a) for the Preceding Calendar Year.

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SBoA: LAR 1(LIBRARY ANNUAL REPORT)

- While It Is Not Required by Law, the Library Could Add the Following Statement with Part 1 of the LAR for Their Advertisement:
 - Certification: This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.
Signature of Official _____ Title _____

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SBoA: LAR 1(LIBRARY ANNUAL REPORT)

- Public Libraries Are Required to File Electronically an Annual Financial Report with the State Board of Accounts Pursuant to IC5-11-1-4 Not Later Than Sixty (60) Days After the End of Each Year
- Publication of Financial Report
 - PL 141-2009 SECTION 4. IC 5-3-1-3.5 Budgets of \$300,000 or more
 - Not later than sixty (60) days after the expiration of each calendar year, a political subdivision shall publish an annual report of the receipts and expenditures of the political subdivision during the preceding calendar year.
 - Publishing Part 1 satisfies advertising requirement

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AFTER JUNE 16, 2011 THE PRESENTATION IS AVAILABLE ONLINE AT
[HTTP://WWW.IN.GOV/LIBRARY/LDOWORKSHOPS.HTM](http://www.in.gov/library/ldoworkshops.htm)

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